

27.03.2025
Sl. No.65
Ct.3/ tkm

W.P.A. 3096 of 2025
(Sanat Kumar Bairagi vs. State of West Bengal & Ors.)

Mr. Debasish Das
Mr. Snehasis Jana
... .. for the petitioner
Mr. Sourav Chowdhury
Mr. Samrat Pal
... .. for the State

Mr. Swapan Kr. Mazumder
Mr. Saptarshi Mazumder

... .. for the municipality
Ms. Debarshi Das
... .. for respondent nos. 2 to 5

1. The petitioner is challenging the public notice dated 9.1.2025 issued by the Chairman, Khirpai Municipality, Paschim Medinipur whereby 'Guin Pond', a tank, was put to auction for pisciculture through open auction.
2. It is the case of the petitioner that the respondent municipality had earlier granted a lease in favour of the petitioner qua the said tank for the purpose of carrying out pisciculture. The said lease has expired in the year 2014 and the petitioner is in illegal and unlawful possession of the said tank till date. The petitioner had written several letters dated 19.4.2022, 4.12.2023 and 15.1.2025 requesting the respondent no. 7 to extend the lease qua the said pond in favour of the petitioner. However, respondent no. 7 had failed to extend the said lease. Even though the

said lease had not been extended, the petitioner is in possession of the said tank and has been carrying out his pisciculture activities illegally.

3. Learned counsel for the petitioner submits that being a poor man, his only source of livelihood is this business. He further submits that the respondent no. 3 issued a public notice dated 09.01.2025 wherein the respondent authority stated that a lease will be made for 14 years in respect of 4 tanks including the tank known as “Guin Pond” for pisciculture through open auction bit on 22.01.2025. He further submitted that the Land & Land Reforms Department, Government of West Bengal is empowered to lease and/ or settled the vested tank for fishery or pisciculture but in this case the municipal authority (respondent no. 3) has taken steps for settlement in respect of the said tanks for pisciculture for the period of 10 years which is not permissible under the West Bengal Land Reforms Act, 1955 and The West Bengal Land and Land Reforms Manual, 1991.
4. It is his contention that he shall be allowed to carry out his pisciculture activities in terms of his earlier lease which has expired in 2014.
5. Learned counsel for the respondent municipality submits that there is no illegality in issuance of

public notice and that all necessary compliances have been undertaken by the authority concerned before issuance of public notice dated 9.1.2025. He further submits that the petitioner has been illegally carrying out his pisciculture activities even though his lease has expired way back in the year 2014.

6. It is further submitted that the petitioner is illegally and unlawfully occupying the said pond.
7. This court has heard the arguments advanced by the parties and has perused the materials on record.
8. It is the petitioner's own admission that the lease deed had expired in the year 2014 and he has been illegally occupying the said pond and carrying out his pisciculture activities. It is further submitted by the petitioner that he has not participated in the tender process wherein the said pond has been auctioned.
9. The objective of the tender process is not only to adhere to a transparent mechanism but to encourage competition and give equal opportunity to all the tenderers who are participating in the tender process.
10. The respondent municipality in order to ensure transparency had put the said tank for

open auction and had issued the public notice wherein inviting all the interested parties who participated in the said process. The petitioner in his wisdom had chose not to participate in the tender process.

11. It is well settled principles of law that a party who has not participated in the tender process does not have any locus to challenge the award of the tender and cannot allege any grievance as such a party does not acquire any right in the tender process. The petitioner failed to show that there has been any violation of law in the issuance of the public notice dated 9.1.2025, rather the petitioner himself has admitted that he is in illegal possession of the pond since 2024 and had chose not to participate in the auction conducted by the respondent.

12. In view of the forgoing reasons this court does not find any merit in the present writ petition and the same is dismissed.

(Gaurang Kanth, J.)